

PLANNING AND ZONING BOA PACKETS – DECEMBER 2005

AGENDA
TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, DECEMBER 20, 2005, 7:00 P.M.
ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum
Explanation of Public Hearing Procedures
Presentation of Exhibits
Governing Statutes

Public Hearings:

Horizon Hills
Friendly Hills, Appeal
Friendly Hills, Reconsideration
Village at Hill Haven
Woodbridge

Review and Action:

Minutes, November 2005

Adjournment.

TANEY COUNTY BOARD OF ADJUSTMENT

***STAFF REPORT
HORIZON HILLS LLC
CASE #05-22***

Public Hearing for Horizon Hills, LLC, located at 191-223 Round Hill Road, in the Branson Township, Sec. 14 Twp. 23 Rng. 22.

The applicant Horizon Hills, LLC, Jon Field owner requests a variance for the reduction of the front setback requirements on Lots 309 through 313 Phase 8A, and Lots 230 through 238 Phase 8B of Horizon Hills Subdivision.

History: These specific lots in Horizon Hills Subdivision have a steep slope in the back leaving a shallow depth of the property for construction; the property lies approximately 8' below the surface of the road.

General Description: The subject property contains 2 acres and is located off Round Hill Road. The adjoining properties to the development consist of single family residential.

Review: The variance request is for a setback reduction from 25' to 17'.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board:

1. Variance is for the setback difference of 8' (Appendix H, Table 12, Setbacks, Taney County Development Guidance Code).
2. Compliance letter from the Fire District.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT
RICK D. SNYDER
CASE #05-23

Public Hearing for Rick Snyder, located at 1828 Hillhaven Road, in the Oliver Township, Sec.35 Twp. 22 Rng. 22.

The applicant Rick D. Snyder, owner, requests an appeal of the Taney County Planning Commission decision of November 21, 2005 to deny construction of 18 cottages.

History: The original request for a multi-family condominium project was presented to the Planning Commission October 17, 2005 with the decision to deny on November 21, 2005.

General Description: The subject property contains 4.58 acres and is located off Hillhaven Road near Emerald Point. The adjoining properties to the development consist of single family residential.

Review: The appeal is for reversal of the decision to deny by the Planning Commission. The applicant will reduce the density of the project by 50%, leave one-acre buffer of trees between the road and the development, and enlarge the units making the value approximately \$500,000 per unit.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board:

1. Compliance with the Taney County Development Guidance Code that include plans for the following:
 - a. Land grading permit
 - b. Sediment and erosion control
 - c. Stormwater management
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks
 - f. Improvements with scale of buildings, utilities, onsite parking and streets
2. Compliance letters from the Fire and Sewer Districts and the Department of Natural Resources.
3. Dedication strip for Hillhaven Road as set forth by the County Highway Department.
4. Covenants and restrictions, which provide for the continued maintenance of the streets well, and stormwater drainage.
5. Division II permits will be required for all applicable structures in the development.
6. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT
STAFF REPORT
FRIENDLY HILLS PROPERTY OWNERS, INC.
CASE #05-21

Public Hearing for Friendly Hills Property Owners, Inc. located at Lenhart Road, Branson Township, Sec. 21 Twp. 23 Rng. 21.

The applicants, Friendly Hills Property Owners, Inc. represented by Gary Allman request an appeal of the Taney County Planning Commission Permit #89-87 to allow Majestic Point to amend or enlarge their existing permit to increase density of the project located on Lenhart Road.

History: The permit was issued in 1989 and extended in 2001. The permit expired one year later and another extension was not applied for. Ruling by the Courts in 1999, had stipulated that the Division III Permit was valid.

General Description: The subject property contains 10.30 acres and is located off Gunner Hill and Lenhart Road. The adjoining properties to the development consist of Table Rock Lake to the south, Chateau on the Lake to the east, residential and an approved condo development to the west, and is bordered on the north by St. Hwy. 265.

Review: The appeal is for permit #89-87 to be declared void.

Summary: If the Taney County Board of Adjustment approves this appeal, the following requirements shall apply, unless revised by the Board:

1. Permit #89-87 allowing Majestic Point to increase the density of the project, is void.
2. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT
STAFF REPORT
FRIENDLY HILLS, ETAL.
CASE #05-25

Public Hearing for Friendly Hills, etal located Lenhart Lane, in the Branson Township, Sec. 10 Twp. 22 Rng. 22.

The applicant's Friendly Hills Property Owners Assoc. represented by Gary Allman request a reconsideration of the decision of the Board of Adjustment November 16, 2005 to allow the Majestic at Table Rock, LLC to allow additional condo units to be constructed at Lenhart Road.

History: The project was denied by the Planning Commission October 17, 2005, then appealed before the Board of Adjustment November 16, 2005 which overturned the decision of the Planning Commission and allowed the additional condos to be built.

General Description:

The subject property contains 10.30 acres and is located off Gunner Hill and Lenhart Road. The adjoining properties to the development consist of Table Rock Lake to the south, Chateau on the Lake to the east, residential and an approved condo development to the west, and is bordered on the north by St. Hwy. 265.

Review: The appeal is for the denial of additional 37 units to the approved condo development.

Summary: If the Taney County Board of Adjustment approves this appeal, the following requirements shall apply, unless revised by the Board:

1. The appeal is to revoke the permit for 37 additional condo units.
2. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT

***STAFF REPORT
LANCE LONG
CASE #05-24***

Public Hearing for Lance Long, Woodbridge Estates located on Jasmine Dr. in the Scott Township, Sec. 33 Twp. 23 Rng. 21.

The applicant Lance Long, owner, requests a variance from the curb and gutter requirement placed on the Planning Commission's decision of record dated December 20, 2004.

History: The project was approved for concept on November 15, 2005 with final approval given December 20, 2004 for a medium density residential subdivision.

General Description: The subject property contains 18.12 acres and is located off the intersection of Saints Street and Jasmine Dr. The adjoining properties consist of residential and agriculture.

Review: The proposed site will consist of 45 single-family lots with open space for detention. The residential lots will range from .20 acres to .48 acres in size with dwelling units 1500 sq. ft. Access will be off Jasmine Dr. a 21' wide paved surface and the inner streets shall consist of a 50' right of way with a 20' wide paved surface, 2 inner loops and 1 cul-de-sac. The decision of record states that the 20' paved inner street shall have curb and gutter.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board:

1. Variance is for the removal of Item 1. F. the curb and gutter portion of the December 20, 2004 Decision of Record.
2. Compliance with the remaining Decision of Record as approved by the Taney County Planning Commission.
3. The Board of Adjustment Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

**MINUTES
TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, OCTOBER 19, 2005, 7:00 P.M.
ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM
TANEY COUNTY COURTHOUSE**

Call to Order:

Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was establishment with four members present. They were: Dave Clemenson, Alan Lawson, Gary Wakefield, and Bob Anderson. Staff present: Kurt Larsen, Bonita Kisse, and Larry Rowland.

A statement explaining the meeting procedures was read and the Taney County Development Guidance Code was placed into evidence as Exhibit A, the Staff Report as Exhibit B, and the staff files, including all pertinent information, as Exhibit C, and the Taney County Board of Adjustment bylaws as Exhibit D. The State Statutes that empower and govern the Board of Adjustment were read, and the speakers sworn in.

Public Hearing:

A request by Jan Blasé for a variance from the 10' buffer, and cul-de-sac requirement as presented in the Taney County Planning Commission decision of record August 15, 2005. The original approval by the Planning Commission was for the development of a 33-lot subdivision for residential use located off T-Hwy. Mr. Larsen read the staff report and presented pictures and a video of the site.

Mr. Blasé addressed the Board regarding the reason for the request. He stated that plans are to move the road and the decision of record addresses the road before it is moved. The requirements of the decision of record would make a hardship on the applicants with the road in the new location. The cul-de-sac requirement has been removed from the code since the approval was given by the Planning Commission. The applicant would like this removed from the decision of record also. Lori Kohut who owns property adjacent to this project reported past history in her opinion, of the project. Discussion followed. Clyde Timms another property owner on the east side was concerned with buffering of the road next to his property. Judy Pierce a property owner voiced a concern regarding the buffer and private covenants. Mrs. Timms stated that in her opinion the road easement is on her property. Mr. Clemenson stated that this problem is something that the Board of Adjustment has no control over. Mr. Blasé clarified the language of the request and stated he sent a letter to the

property owners, which stated that green space and a 10' buffer will be left between the property and the road. Mr. Larsen explained that the road will be 15' from the neighbor's property line as topography will allow. Jim Harding another property owner discussed setbacks as they apply to this request. Mr. Rowland clarified the setbacks, which apply to the road next to the Kohut property. After discussion a motion was made by Bob Anderson that the 10' buffer be removed, and the 600' cul-de-sac requirements also be removed from the Taney County Planning Commission decision of record August 15, 2005. Alan Lawson seconded. The vote to approve was unanimous.

Old and New Business:

Staff reported on upcoming requests.

Review and Action:

Minutes, September 2005: with no additions or correction a motion was made by Alan Lawson to approve the minutes as written. Seconded by Bob Anderson. The vote to approve the minutes was unanimous.

Adjournment:

With no other business on the agenda for October 19, 2005 a motion was made by Alan Lawson to adjourn. Seconded by Bob Anderson. The vote to adjourn was unanimous. The meeting adjourned at 7:45 p.m.